



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Director for Patents and Trademarks

Applicant: HAMMOND, Malcolm  
Title: FORK CROWN SUPPORTED BICYCLE CARRIER  
Serial No.: 10/782,174  
Filing Date: 02/20/2004 Art Unit: 3727  
Docket No.: 263953.00002  
Date: July 13, 2006

To: United States Patent and Trademark Office  
Director for Patents  
PO Box 1450  
Alexandria, VA  
22313-1450

Dear Sirs:

**PETITION TO WITHDRAW HOLDING  
OF ABANDONMENT UNDER 37 CFR 1.137(b)**

This is in response to the deemed abandonment of the above-identified Patent Application No. 10/782,174 (the "Application") for failure to rescind a nonpublication request within 45 days after the date of filing of a foreign application directed to the invention.

The abandonment of the application was unintentional for the reasons set out below.

07/17/2006 JADD01 00000025 10782174

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At the time of filing the application, the Applicant had taken tremendous effort to keep the invention hidden from the public, and at the time of filing could see no advantages to making the application public until absolutely necessary. The Applicant prepared the

Application *pro se*, using the book "Patent It Yourself" (9<sup>th</sup> edition by Nolo press) for guidance. When the Applicant initially filed the Application on February 20, 2004, he did not intend to file elsewhere. When making the request for nonpublication, he was unaware of the consequences of filing elsewhere and not rescinding the request.

Several months later the Applicant changed his mind and decided to also file a corresponding application in Canada (the country in which he lives). The Canadian application was filed on June 3, 2004. Because of his total lack of experience in prosecuting patent applications (the Application was his first exposure to patent applications, *pro se* or otherwise), he was unaware that he needed to timely rescind the nonpublication request.

On receiving an action from the Canadian Patent Office, the Applicant sought assistance from a law firm including patent agents. On realizing the nonpublication request had been filed and not rescinded following the Canadian filing, immediate steps have been taken to correct the error and file a rescission of previous nonpublication request.

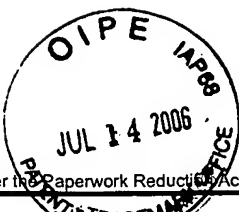
The Applicant submits that given the above events, his inexperience in patent matters, and the publication of the corresponding Canadian application (providing public notice), the Applicant submits that the failure to rescind the nonpublication request within 45 days of the filing date of the Canadian application was unintentional and respectfully requests that the Petition to Withdraw the Holding of Abandonment be granted.

Respectfully submitted,

By:



Armand Benitah (Reg. No. 56026)  
Patent Agent for the Applicant  
Fasken Martineau DuMoulin LLP  
Vancouver, British Columbia  
Canada



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 750.00

**Complete if Known**

Application Number	10/782,174
Filing Date	02/20/2004
First Named Inventor	Hamond
Examiner Name	
Art Unit	3727
Attorney Docket No.	263953.00002

**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition

Fees Paid (\$)

750.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 56026	Telephone 604 631 4743
Name (Print/Type)	Armand Benitah		Date 02/20/2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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